

REMARKS

Applicant has received and reviewed the Final Office Action mailed by the Office on February 21, 2007 (hereinafter, "Final Action"), and submits this response to the Final Action with a request for continued examination (RCE).

Claims 28-48 remain pending in the present application and are for consideration upon entry of the present response. Applicant amends independent Claims 28 and 31 to clarify claimed subject matter and/or correct informalities. The original specification and drawings support these claim amendments. Therefore, these revisions introduce no new matter.

Applicant requests favorable consideration of this response and allowance of the subject application based on the following remarks.

Statement of Substance of Interview

Applicant appreciates the Office's participation in a telephonic conference of May 11, 2007. Applicant thanks the Examiner for agreeing to an interview, given the short notice.

During the interview, the claimed subject matter of the application and the three references, Arbel, Pershan, and Rogers, were discussed. In particular, Applicant presented arguments along the lines of those set forth below in the section entitled "Claim Rejections 35 U.S.C. §103". Specifically, Applicant presented arguments as to how the subject matter in the application contains features, such as a programmable table number table and the user editing the programmable telephone number table.

Also discussed during the interview were proposed amendments to the claims. In the interest of expediting prosecution of the application, and without conceding the propriety of the rejection, Applicant proposes to amend the independent claims to further clarify features of Applicant's claimed subject matter. Applicant understands that the Examiner tentatively agrees that the proposed amendments overcome the outstanding rejections based on Arbel and Pershan. The Examiner requests that the proposed amendments be presented in writing. Applicant submits the amendments in writing in this Response to the Office Action.

Accordingly, Applicant amends the independent claims herein, as discussed during the interview. Applicant submits that all of the pending claims are in condition for allowance.

Claim Rejections under 35 U.S.C. § 103

A. Claims 28-30, 36-38, and 45-46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5, 276,731 to Arbel, et al (hereinafter, "Arbel") in view of U.S. Patent No. 6,718,026 to Pershan et al (hereinafter, "Pershan"), further in view of U.S. Patent No. 5,946,386 to Rogers et al (hereinafter, "Rogers").

B. Claims 31, 33-35, 39-44, and 47-48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arbel in view of Rogers.

C. Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Arbel in view of Rogers further in view of U.S. Patent No. 5,963,864 to O'Neil, et al. (hereinafter "O'Neil"). Applicant respectfully traverses these rejections.

Independent Claim 28 recites a selective call forwarding system comprising:

a telephone system configured to receive at least one call made from one of a plurality of preferred caller telephone numbers to a subscriber telephone number, and to selectively forward the call to a one of

a plurality of forwarding telephone numbers associated with the subscriber telephone number,

wherein the plurality of preferred caller telephone numbers are exclusively forwarded to one or more of the forwarding telephone numbers, and wherein the telephone system is further configured to provide an indication, to a caller placing the call, that the call is being forwarded to the forwarding telephone number; and

a programmable telephone number table comprising the subscriber telephone number, the plurality of forwarding telephone numbers associated with the subscriber telephone number, and the plurality of preferred caller telephone numbers,

wherein the programmable telephone number table is in communication with the telephone system and can be edited by a telephone subscriber of the system via a website.

Applicant respectfully submits that no such selective call forwarding system is taught or suggested by Arbel, Pershan, or Rogers.

References Fail to Teach or Suggest Programmable Number Table, Edited by a Subscriber via a Website

First, Applicant asserts the Office has failed to establish a *prima facie* case of obviousness. Arbel fails to teach or suggest “a programmable telephone number table **comprising** the subscriber telephone number, the plurality of forwarding telephone numbers associated with the subscriber telephone number, and the plurality of preferred caller telephone numbers”, as recited in Applicant’s Claim 28.

Arbel is directed towards handling of incoming telephone calls, which includes delivering predetermined messages to predetermined calling parties; prioritized screening of incoming telephone calls; and re-routing incoming telephone calls on the basis of predetermined selection criteria (Abstract). The Office implies a programmable telephone

number table is taught or suggested by Arbel (Final Action, pg. 3). Applicant respectfully disagrees and reproduces the cite below for convenience.

Arbel, col. 9, line 57 to col. 10, line 10:

The following examples illustrate the manner in which a database associated with such an embodiment of the present invention is configured. In a first example, assume that Dr. Warner of Pine Valley Hospital will be taking a sabbatical this summer. There are three other doctors who will be taking his patients during his absence: (a) Dr. Hubbard at 453-7668; (b) Dr. Tyler at 678-3939; and (c) Dr. Martin at 222-3333. Dr. Warner divides up his patients among the three doctors and sets up a selective call re-routing entry in the database as follows.

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	Incoming Call:		Transfer to:
	Name	Number	Target
5	Donna Sago	454-9557	453-7668
	Palmer Courtlandt	250-9596	453-7668
	Brooke English	467-2839	222-3333
	Tom Cudaby	785-2390	678-3939
	Travis Montgomery	326-1928	678-3939
	Phoebe Wallingford	454-1029	222-3333

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Rather, this citation of Arbel illustrates the manner in which a database associated with such an embodiment is configured (col. 9, lines 57-58). Nowhere is there any mention or discussion of “a programmable telephone number table comprising the subscriber telephone number, the plurality of forwarding telephone numbers associated with the subscriber telephone number, and the plurality of preferred caller telephone numbers”, as recited in Applicant’s Claim 28. Furthermore, Arbel also fails to mention or discuss “the programmable telephone number table is in communication with the telephone system and can be edited by a telephone subscriber of the system via a website”, as recited in Applicant’s Claim 28.

Pershan fails to compensate for the deficiencies of Arbel. Pershan is directed towards call forwarding services and next event list message (Abstract). Rather, the

service subscriber in Pershan, e.g., a call forwarding service subscriber, can update various service information through the use of a personal computer with a Web Browser application (col. 7, lines 20-23). In contrast, Applicant's Claim 28 recites "a programmable telephone number table can be edited by a telephone subscriber of the system via a website". While there is mention of a personal computer with a Web Browser application in Pershan, the call forwarding service subscriber is updating various service information, which is not a telephone subscriber of the system. In addition, Applicant's original specification describes a subscriber as "a telephone user subscribing to an embodiment of the present invention" according to one embodiment, which is not a call forwarding service subscriber. Thus, Pershan does not provide what is missing from Arbel to support a §103 rejection.

Rogers does not compensate for the deficiencies of Arbel and Pershan. Rogers is directed towards a call management system with call control from user workstation computers via a digital data network (Abstract). The call management computer receives and answers all calls from the telephone provider's central office (col. 2, lines 4-5). The system in Rogers states calls are directly controlled through networked user workstation computers, not telephone instruments (col. 1, lines 63-65). In contrast, Applicant's Claim 28 recites "the telephone system is further configured to provide an indication, to a caller placing the call, that the call is being forwarded to the forwarding telephone number". Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejections made under §103.

Based on the following remarks, Applicant submits that Arbel, Pershan, and Rogers, whether considered severally or in combination, do not support a §103 rejection of Applicant's Claim 28.

There is No Suggestion or Motivation to Modify or Combine the References

Second, to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings (MPEP §2142). There is nothing in any of the references, Arbel, Pershan, or Rogers, that suggests modifying or combining their teachings. The asserted motivation from the Office relies on hindsight without evidence of teaching or suggestion to propose the suggested combination. Thus, Applicant respectfully requests the §103 rejections be withdrawn for this additional reason.

Claims 29-30, 36-38, and 45-46 depend directly or indirectly from independent Claim 28, and are allowable by virtue of this dependency. These claims are also allowable for their own recited features that, in combination with those recited in Claim 28, are not taught, or suggested by Arbel, Pershan, or Rogers, alone or in combination.

Independent Claim 31 is directed to a method and is allowable for reasons similar to those discussed above with respect to Claim 28. Furthermore, Arbel, Pershan, and Rogers fail to teach or suggest "providing a programmable telephone number table comprising a subscriber telephone number, a plurality of forwarding telephone numbers, and a plurality of preferred caller telephone numbers associated with the subscriber

telephone number”, as recited in Applicant’s Claim 31. Applicant respectfully requests that the rejection of Claim 31 be withdrawn.

Claims 32-35, 39-44, and 47-48 depend directly or indirectly from independent Claim 31, and are allowable by virtue of this dependency. These claims are also allowable for their own recited features that, in combination with those recited in Claim 31, are not taught, or suggested by Arbel, Pershan, or Rogers, alone or in combination.


Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103 rejection of these claims should be withdrawn.

Conclusion

Claims 28-48 are in condition for allowance. Applicant respectfully requests an early notice of allowance. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,
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